IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6354 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

and

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

DHARMESH GOPALDAS PATEL

Appearance:

MRS VASAVDATTA BHATT for Appellant

MR SANDIP BHATT for Respondents

CORAM : MR.JUSTICE A.R.DAVE

and

MR.JUSTICE J.R.VORA

Date of decision: 16/04/2001

ORAL JUDGEMENT (Per : MR.JUSTICE A.R.DAVE)

1. Learned Advocate Mrs. Vasavdatta Bhatt appears for the appellant and seeks permission to delete respondent No.2 from the present proceedings. Permission granted. Respondent No.2 stands deleted.

2. Admit. Learned Advocate Shri Sandip Bhatt waives service on behalf of respondent No.1. At the request of the learned advocates, the Appeal is finally heard today.

3. Looking to the manner in which the First Appeal is to be disposed of, we do not think it necessary to go into the facts of the case. It has been submitted by learned Advocate Mrs. Vasavdatta Bhatt that while awarding an amount of Rs. 25,000/- under the provisions of Section 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as the "Act") the Tribunal has awarded interest at the rate of 15%. It has been directed that the appellant should pay a sum of Rs. 25,000/- with interest at the rate of 15% from the date of application till the date of deposit of the said amount. It has been submitted by the learned Advocate that normally the interest is awarded at the rate of 12% and not 15%. The above proposition submitted by learned Advocate for the appellant could not be disputed by learned Advocate Shri Sandip Bhatt. Even, we are of the opinion that the interest rate ought to have been 12% or less, but, in any case, not 15%.

4. In the circumstances, the Award is ordered to be modified to the effect that the interest at the rate of 12% should be paid by the appellant on Rs. 25,000/- from the date of the application till the date of deposit of the said amount. Award to be modified accordingly.

5. In view of the above order, the First Appeal is allowed to the above extent and the Award is modified accordingly with no order as to costs.

(A.R. Dave, J.)

(J.R. Vora, J.)

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